

EXHIBIT 13

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

)
SURGICAL INSTRUMENT SERVICE)
COMPANY, INC.,)
)
)
Plaintiff,) Case No. 3:21-cv-03496-VC
)
vs.)
)
INTUITIVE SURGICAL, INC.,)
)
)
)
Defendant.)
_____)

HIGHLY CONFIDENTIAL, ATTORNEYS' EYES ONLY DEPOSITION OF:
KURT HUMPHREY
WEDNESDAY, MARCH 15, 2023
10:25 A.M. (MST)

Reported by: GINA M. CLOUD
CSR No. 6315

Deposition of KURT HUMPHREY, the witness,
taken on behalf of the Defendants, on Wednesday,
March 15, 2023, 10:25 A.M., MST, via Virtual Zoom,
pursuant to NOTICE.

APPEARANCES OF COUNSEL:

FOR PLAINTIFFS:

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ALSO PRESENT:

Scott Slater, Videographer

1 Laguna Niguel, California, Wednesday, March 15, 2023

2 10:25 a.m. (MST)

3
4 THE VIDEOGRAPHER: Good morning. We are on
5 the record at 10:25 a.m., Mountain Daylight Time, on 09:25:28
6 March 15, 2023.

7 Please note that this deposition is being
8 conducted virtually. The quality of the recording
9 depends on the quality of camera and Internet
10 participants. 09:25:45

11 Audio and video recording will continue to
12 take place unless all parties agree to go off the
13 record.

14 This is Media Unit 1 of the video-recorded
15 deposition of Kurt Humphrey, taken by Counsel for 09:25:56
16 Defendants in the matter of Surgical Instrument
17 Service Company, Inc., versus Intuitive Surgical,
18 Inc., filed in the United States District Court,
19 Northern District of California, San Francisco
20 Division. Case number 3:21-cv-03496-VC. 09:26:12

21 This deposition is being conducted remotely
22 with the witness located in Colorado Springs,
23 Colorado.

24 My name is Scott Slater representing
25 Veritext Legal Solutions and I am the videographer. 09:26:34

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1 industry dealing with the development of commercial
2 products, these are the key factors that generally
3 determine the parameters for design of any product or
4 system.

5 Q. I want to drill down on the meaning of those 13:48:03
6 a little bit as you use them here. So based on your
7 experience generally when you say
8 performance/reliability, can that -- can
9 performance/reliability needs be different in
10 different contexts? 13:48:19

11 A. Certainly. I would I guess go back to my
12 prior experience in military and aerospace avionics
13 products, as well as automotive products. They have
14 varying degrees of performance requirements,
15 reliability requirements, depending upon the 13:48:52
16 application.

17 Q. So it depends on -- the performance or
18 reliability requirements for given products depend on
19 the application in part?

20 A. Yes. 13:49:05

21 Q. Depending on the application, could
22 performance/reliability requirements include certain
23 memory parameters?

24 A. Yes, it can --

25 Q. What about -- sorry, I didn't mean to 13:49:27

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1 interrupt you. I thought you were done.

2 A. Memory size, access times, and reliability.

3 Q. The last one you said was reliability.

4 A. Yes. I'm not sure if that was included in

5 your question or not, but it certainly is a big 13:49:58
6 factor.

7 Q. Is another factor processing power or do you
8 include that as something subsumed within access
9 times?

10 A. No. I mean, bandwidth, data rates are 13:50:15
11 certainly -- can certainly be important in some
12 application.

13 Q. What about consistency on detection of
14 electrical contacts, is that encompassed in what you
15 mean by reliability? 13:50:39

16 A. Yes.

17 Q. So consistency on detection of electrical
18 contacts could be a factor in design choice?

19 A. Certainly. I mean, the packaging for
20 microelectronics of the connections between 13:51:07
21 components in systems, whether they're on printed
22 circuit boards or mounted in the systems, I mean
23 depending on the application, certainly electrical
24 connectivity for any electronic product is important.

25 Q. And then the next key factor you list is 13:51:34

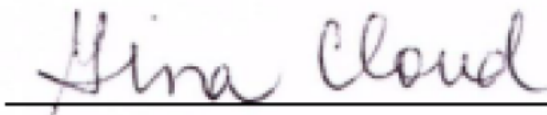
1 I, GINA M. CLOUD, a certified shorthand
2 reporter for the State of California, do hereby
3 certify:

4 that prior to being examined, the witness named in
5 the foregoing deposition, was by me duly sworn to
6 testify the truth, the whole truth, and nothing but
7 the truth pursuant to Section No. 2093 of the Code of
8 Civil Procedure;

9 That said deposition was taken before me pursuant
10 to notice, at the time and place therein set forth,
11 and was taken down by me in shorthand and thereafter
12 reduced to typewriting via computer-aided
13 transcription under my direction;

14 I further certify that I am neither counsel for,
15 nor related to, any party to said action, nor in
16 anywise interested in the outcome thereof.

17 IN WITNESS WHEREOF, I have hereunto subscribed my
18 name this 20th day of March, 2023.

19
20 
21

GINA M. CLOUD

22 CSR No. 6315
23
24
25